



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
 L. Guerra) Examiner: Lerner, Martin
)
 Application No.: 09/802,662) Group Art Unit: 2654
)
 Filed: 03/09/01) Atty. Docket No.: BVOCF011
)
 For: SYSTEM, METHOD AND COMPUTER)
 PROGRAM PRODUCT FOR A DYNAMICALLY)
 CONFIGURABLE VOICE PORTAL)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
 OR IN A NAFTA OR WTO MEMBER COUNTRY
 TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States or in a NAFTA or WTO member country, at a date at least as early as March 21, 2000, the effective date of the Black reference cited by the Examiner.
2. The person making this declaration is an inventor, Mark D. Wornack.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached exhibits and statement are submitted as evidence:

EXHIBIT A - A confidential notebook entry dated 01/06/00 which was generated before the filing of the present patent application and shows a description of the present invention.

EXHIBIT B - A confidential presentation dated 01/00 which was generated before the filing of the present patent application and shows a description of the present invention.

STATEMENT: I, Mark D. Wornack, hereby state that the invention in the above patent application was conceived of and/or reduced to practice at least as early as 01/00, as evidenced by EXHIBIT A and B.

Specifically, between Exhibit A and B, disclosed is a technique for dynamically configuring a speech recognition portal, including the operations of conducting a session with a user utilizing a speech recognition portal, wherein access to a network is provided during the session via the speech recognition portal; receiving utterances from the user during the session via the speech recognition portal; performing

Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—
 37 C.F.R. section 1.131—page 1

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a speech recognition process on the utterances to interpret the utterances; and dynamically configuring one or more aspects of the speech recognition portal during the session, as well as other features found in the claims of the present application.

From these exhibits and statement, it is clear that the invention in this application was conceived of and/or reduced to practice at least as early as 01/00.

DILIGENCE

4. It is hereby declared that applicants acted diligently up to reduction to practice or the filing of the above patent application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to final rejection, or with a first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made by the Examiner, in which case the declaration is considered timely and should be considered. See MPEP 715.09 (C).

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor's signature:

Mark D. Womack Date: 1/27/05
Mark D. Womack

Country of Citizenship:

USA

Residence:

3382 Valley Square Ln
San Jose, CA 95117

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of)

L. Guerra)

Application No.: 09/802,662)

Filed: 03/09/01)

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) Examiner: Lerner, Martin

) Group Art Unit: 2654

) Atty. Docket No.: BVOC011

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2. The person making this declaration is an inventor, Lisa M. Guerra.

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a speech recognition process on the utterances to interpret the utterances; and dynamically configuring one or more aspects of the speech recognition portal during the session, as well as other features found in the claims of the present application.

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SIGNATURE(S)

Inventor's signature:

Lisa M. Guerra
Lisa M. Guerra

Date: 1/26/05

Country of Citizenship:

USA

Residence:

146 Frederick Ct.

Los Altos, CA 94022

EXHIBIT A

1/6/94 B2B

Customer Selection

- consumer focused brands w/ content, product, s/c offerings
 - w/ billing relationships / revenue event w/ end user "can they afford it?"
 - com issue
- } they own end user

Scope of Activities

- develop + deploy apps
- enable →
- host apps • build/brand registration → B2C, "intel inside" "powered by Beltsal"
- B2C/Sales
- reuse prior development
- enable distro channels for consumers?

Rev Model

- hosting fees
- value-based, transaction related fees
- 3 NRE

Diff

- end-end solution
- prepackage DP \rightarrow vertical mkt. spaces
- and/or
- open architecture, enabling industry development.

B2C

Cost Selection end-users → individuals (non)
 - target segments

Scope of Activities • license content / prod / services
 • develop + deploy
 • market - build consumer brand

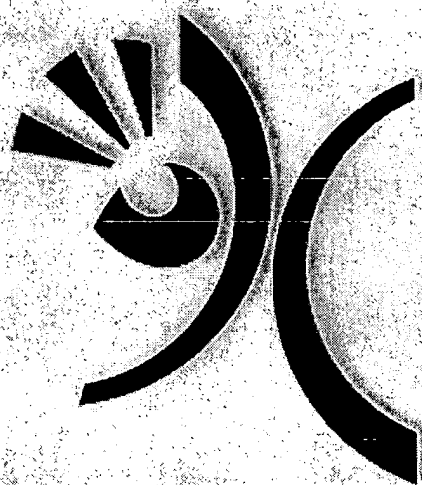
Rev Model advertising
 transaction fees
 subscription / per use fees

Diff strength of brand
 based on segments - not customizable
 user experience
 breadth of offering (as in range of content)

various (communication/access/interface) technologies (touch-tone, speech, WAP, sms, etc.) will be combined with speech playing an integral part) to provide universal, self-service access to efficient, reliable, personalized, and immediate information and services, anytime, anywhere through ubiquitous information appliances (phones, PDAs, set-top boxes, home appliances, etc.).

cc-setextmsk for procedure approval of global services.
 Video: View any log, Account, etc.
 Open account details: bad in a lot
 PTR 6248 Bob ref #62272344 (custange@dislogic.com)

1/13/00
 Bellini
 ThomasMEbellini.com
 ↑
 misinco
 770-368-1214
 Bob: 62787708
 PTR 6547 (still open)
 PTR 6441 → install this (for DNA 3.1)
 1. uninstall all
 2. install DNA 3.2
 3. install PTRs
 4. install boardwatch
 5. install PTRs.



BeVocal

Investor Presentation

January 2000

BeVocal, Inc.
Contact: Steve Tran

Tel: 650-210-8159
Fax: 650-292-2282
Email: steve@bevocal.com

What We Do



BeVocal is a Consumer V-Services Company

**Get a broad variety of personalized
information & services with one quick call
simply by speaking**

**Call BeVocal.
It's free!**

Market Vision

Technology Environment

Wireless phone usage is exploding

Telecom costs are dropping dramatically

Speech recognition has improved significantly

Consumer Environment

Consumers don't always have convenient access to the Internet when needed

50% of US consumers aren't on line

Consumers prefer to access the best of the Web at one site

Consumers prefer speech vs. touch-tone or human operators

Consumer V-Services

Voice-enabled 4C's

Content

Commerce

Communications

Customer Relationships

Customer Environment

Web and e-commerce companies have high customer acquisition and retention costs

Web and e-commerce companies can only generate revenue when their customers are online

Bricks and mortar retailers and local merchants are losing in-store traffic and sales due to the Internet

Wireless carriers are looking to enhance services and applications to increase minutes and reduce churn

Our Mission



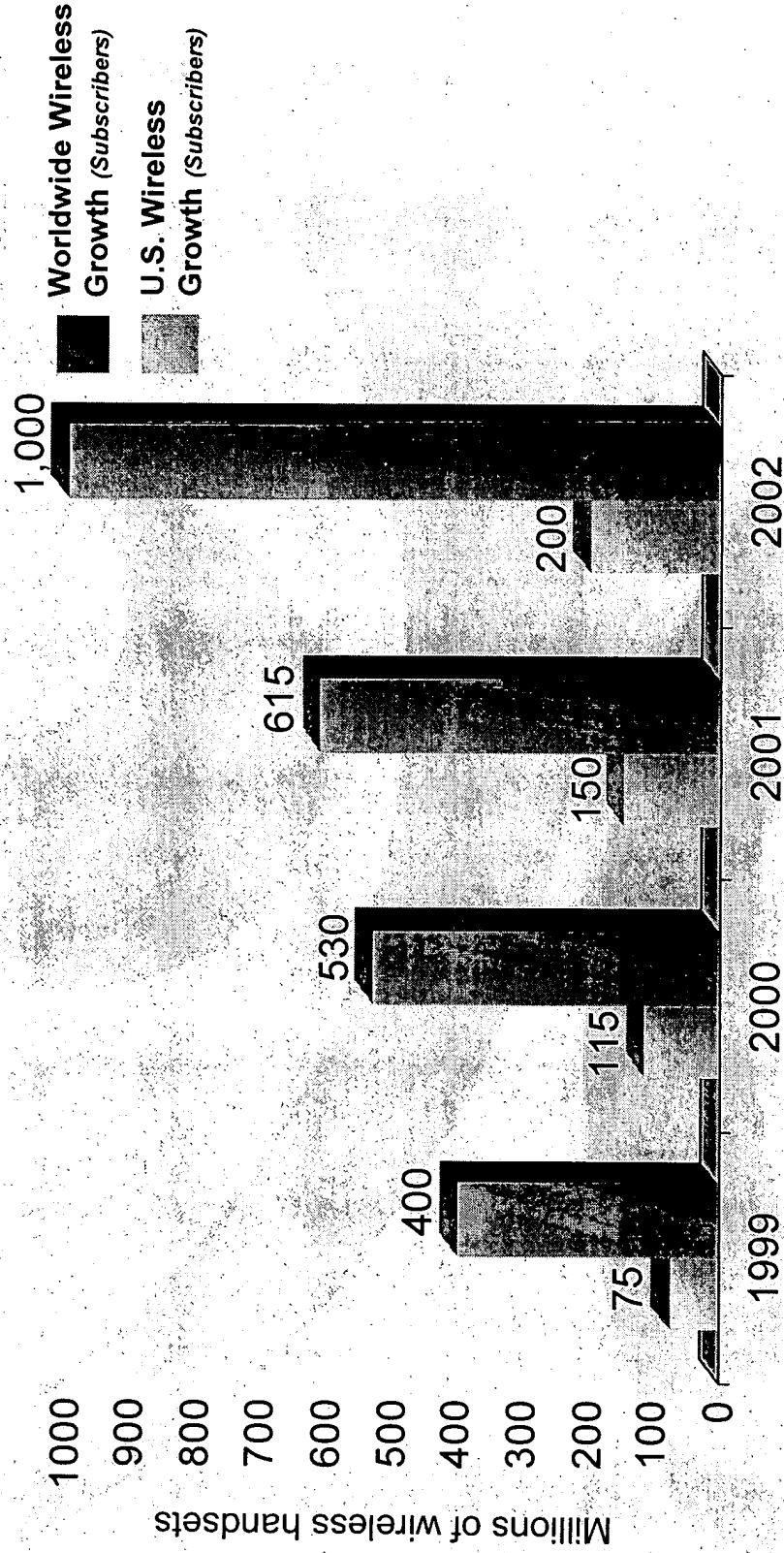
BeVocal will be the pre-eminent consumer destination for voice-enabled content, commerce, communications, and customer relationships.

With a deep understanding of our individual consumers, BeVocal will create a world-class brand that will be the first choice for personalized information and services via any phone.

Through the power of your voice, BeVocal will listen, learn, and simplify your world.

Worldwide Market Opportunity

Consumer V-Services will be accessible by over 1.5 billion phones worldwide, but will be ***most relevant to wireless phones***



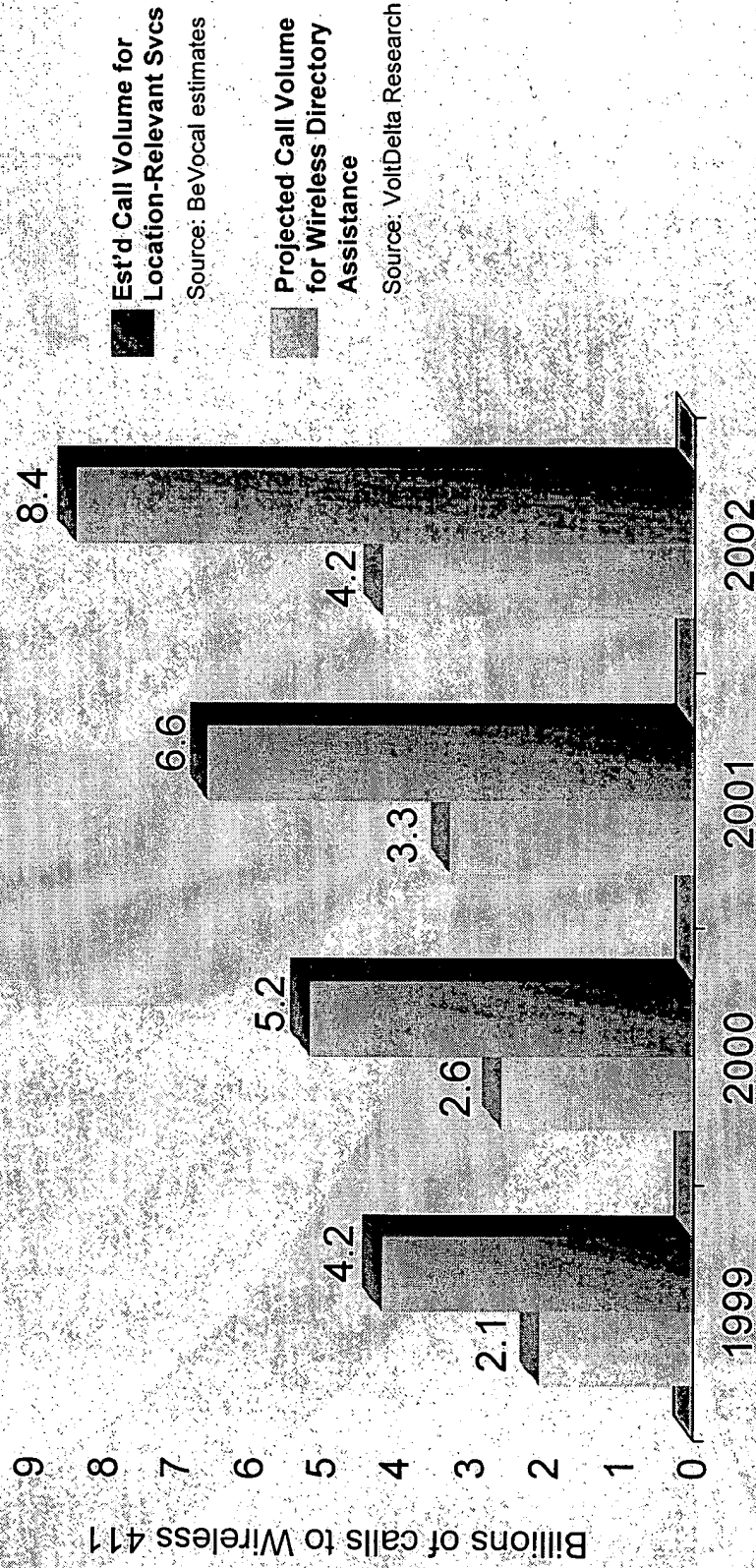
Source: Nomura Research / Nokia, 2000

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U.S. Market Potential



Market Proxy -- Wireless 411 Services
Consumer V-Services have the potential to eclipse directory assistance services in call volume.



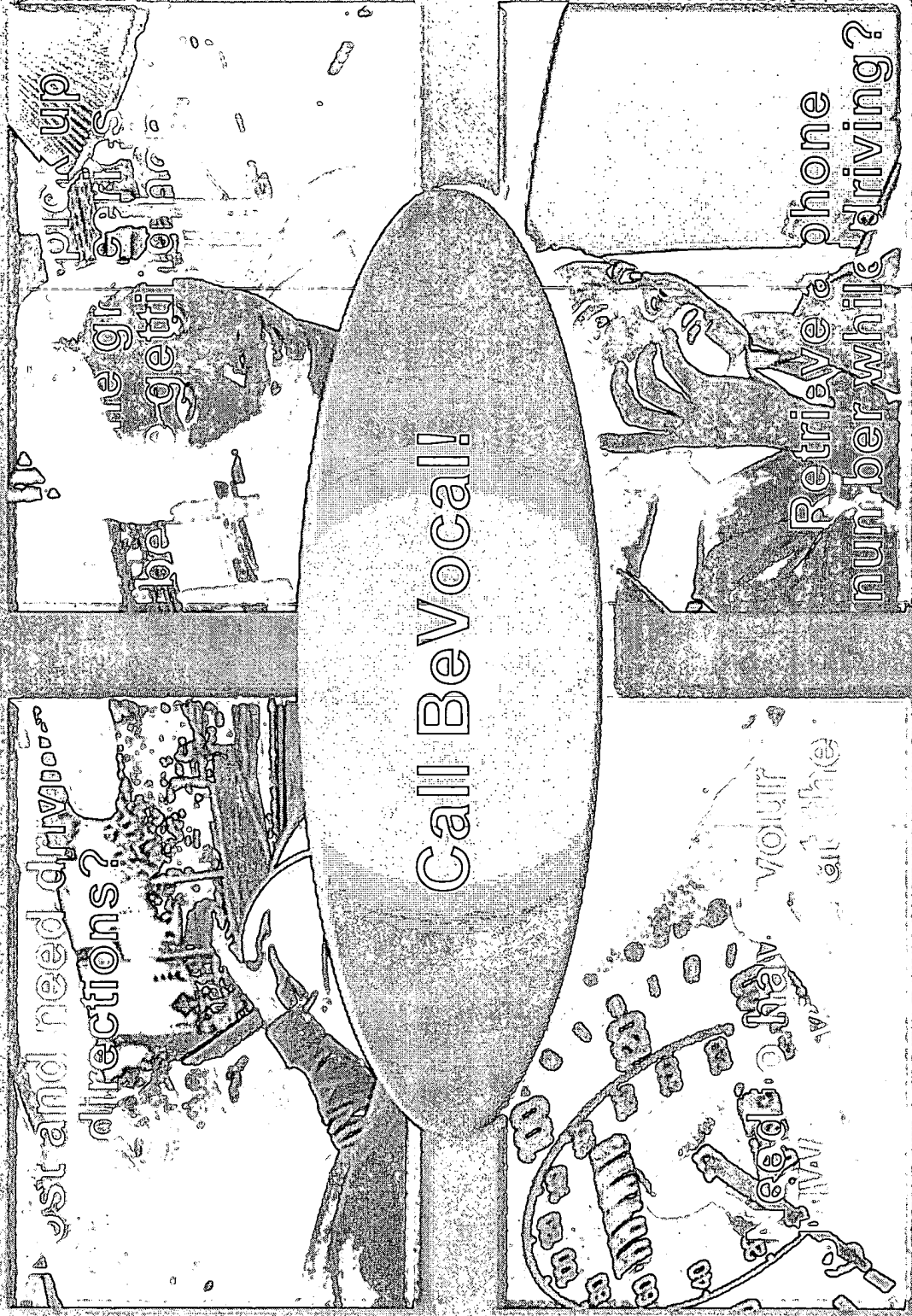
“Wireless consumers estimated they would use location-relevant information services more than twice as much as they currently use wireless 411 services.”

-- Strategis Group

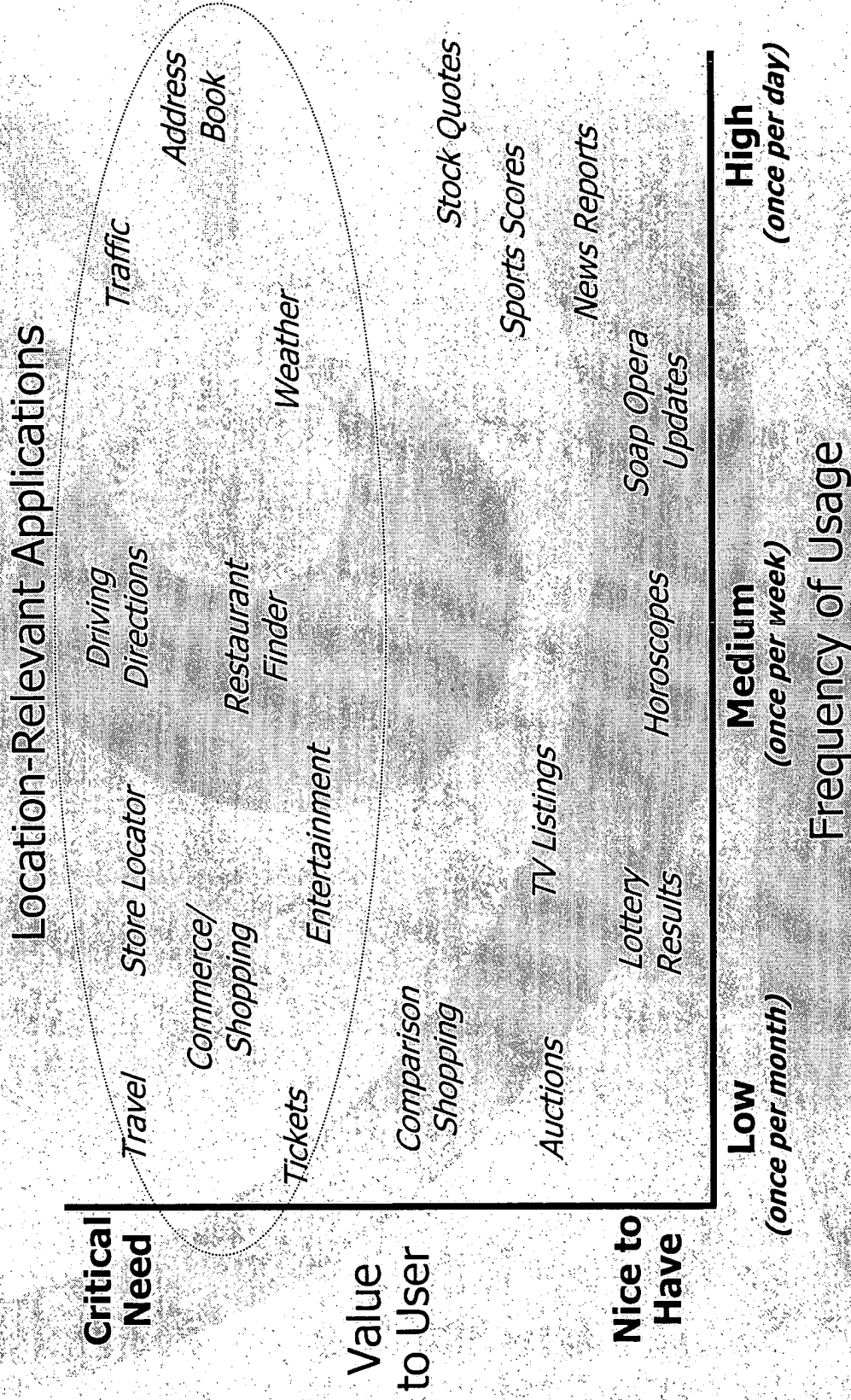
What Are V-Services?

- Voice-enabled services
 - phone-based speech recognition input and multiple output (voice, WAP, fax, text pager, email)
- Content
 - Internet content, branded information sources, voice portals
- Commerce
 - e-commerce transactions over the phone
- Communications
 - voice-activated dialing, voice mail, conferencing, local and long distance calling, voice chat
- Customer relationships
 - self-service transactions, order tracking, problem reporting, customer acquisition and retention, notifications, alerts

Examples of Common Consumer Problems



What Consumers Have Told Us



"Wireless consumers expressed a strong interest in a wide range of localized information services, with weather, traffic and directions rating among the highest."

-- Creative Quest LLC

BeVocal, Inc. - CONFIDENTIAL

BeVocal Services



Initial Location-Relevant Services

Driving Directions

Traffic Reports

Store Locator

Additional Services

Location-Relevant

Weather, Restaurants, Movies, Local Events, Travel, Address Book

Location Non-Specific

News, Sports, Stock Quotes, Toll-free # Listings

Examples of Prospective "Keyword" Services

Local & National Brands

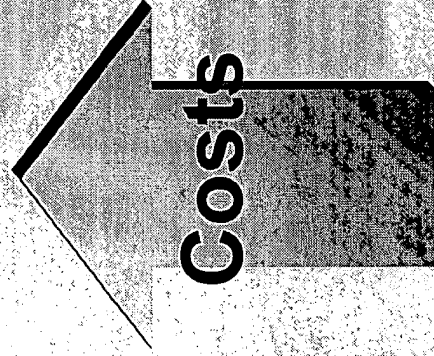
Why Aren't Consumers Using V-Services Today?

Not Readily Available



415 712
510 310 408 650 877
800 888 213

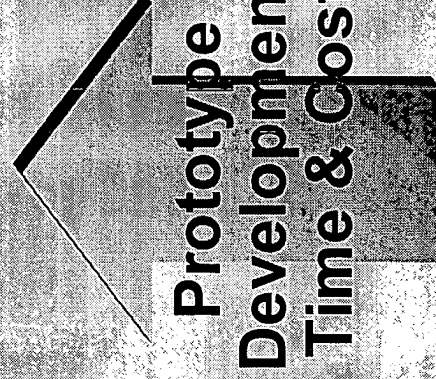
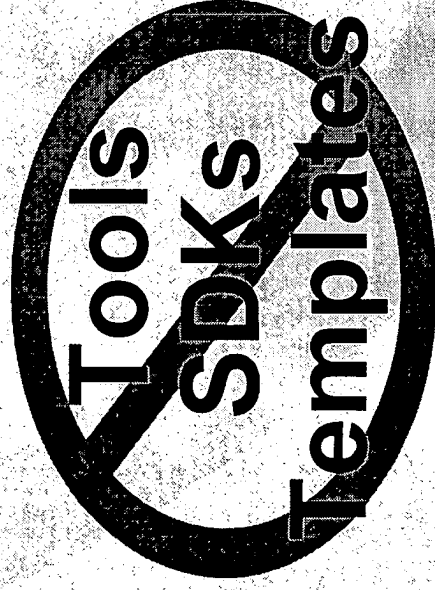
Too many access numbers



Provider-dependent
Device-dependent

Why Haven't Developers Been Building V-Services Applications?

**No Standardized Development
& Deployment Platform**



BeVocal Strategy



BeVocal will dominate the emerging Consumer V-Services market by being --

**First to market with
location-relevant Consumer
V-Services**

- Q1 2000 beta for Bay Area
- Core set of broadly appealing, frequently used, location-relevant applications
- Easy to remember, branded, toll-free number

***Builds awareness and
critical mass***

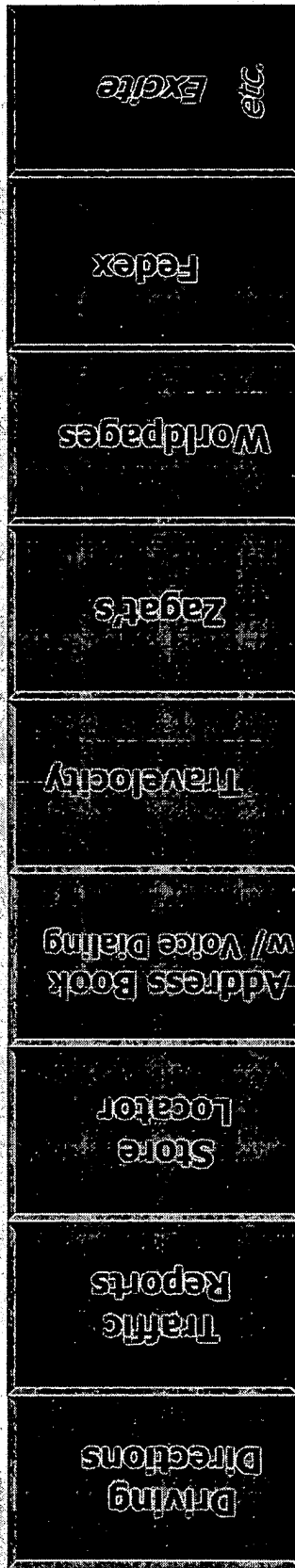
**First to market w/ open platform
(VocalBoost)**

- Embraces & extends emerging VoiceXML standard
- Provides comprehensive environment for speech application development
- Allows rapid-prototyping and testing by 3rd-party apps developers

***Fosters more rapid
content aggregation***

13

VocalBoost Open Development Solution



Common Voice User Interface

VoiceXML Browser

SpeechObjects

Integrated Services Platform

Call Profiling Server, User Login & Registration Server, Advertising Server, Security Server, E-Commerce Server, Content Delivery Channels (voice, e-mail, fax, WAP, etc.)

Speech Channel Interface

Speech Recognition Engine (Nuance)

Speech Synthesis Engine (L&H)

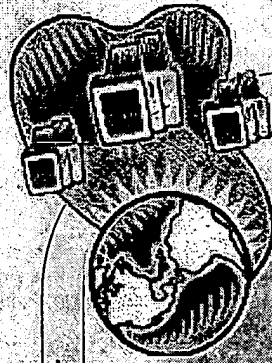
VoIP- Ready Telecom Hosting Infrastructure

VocalBoost Development Scenario



[Http://www.mcdonalds.com/vxml/fries.vxml](http://www.mcdonalds.com/vxml/fries.vxml)

```
<?xml version="1.0"?>
<vxml>
  <form>
    <field name="fries">
      <prompt>Fries with that?</prompt>
      <grammar src="yesno.gram"/>
    </field>
    .
    .
    <speechobject class="BeVocal.SO.SODirections"
      codebase="http://bevocal.com/browser/lib/BeVocal.jar"
      data="http://mcdonalds.com/voicesites/mcdonalds/prompts/"
```



Internet



Developer

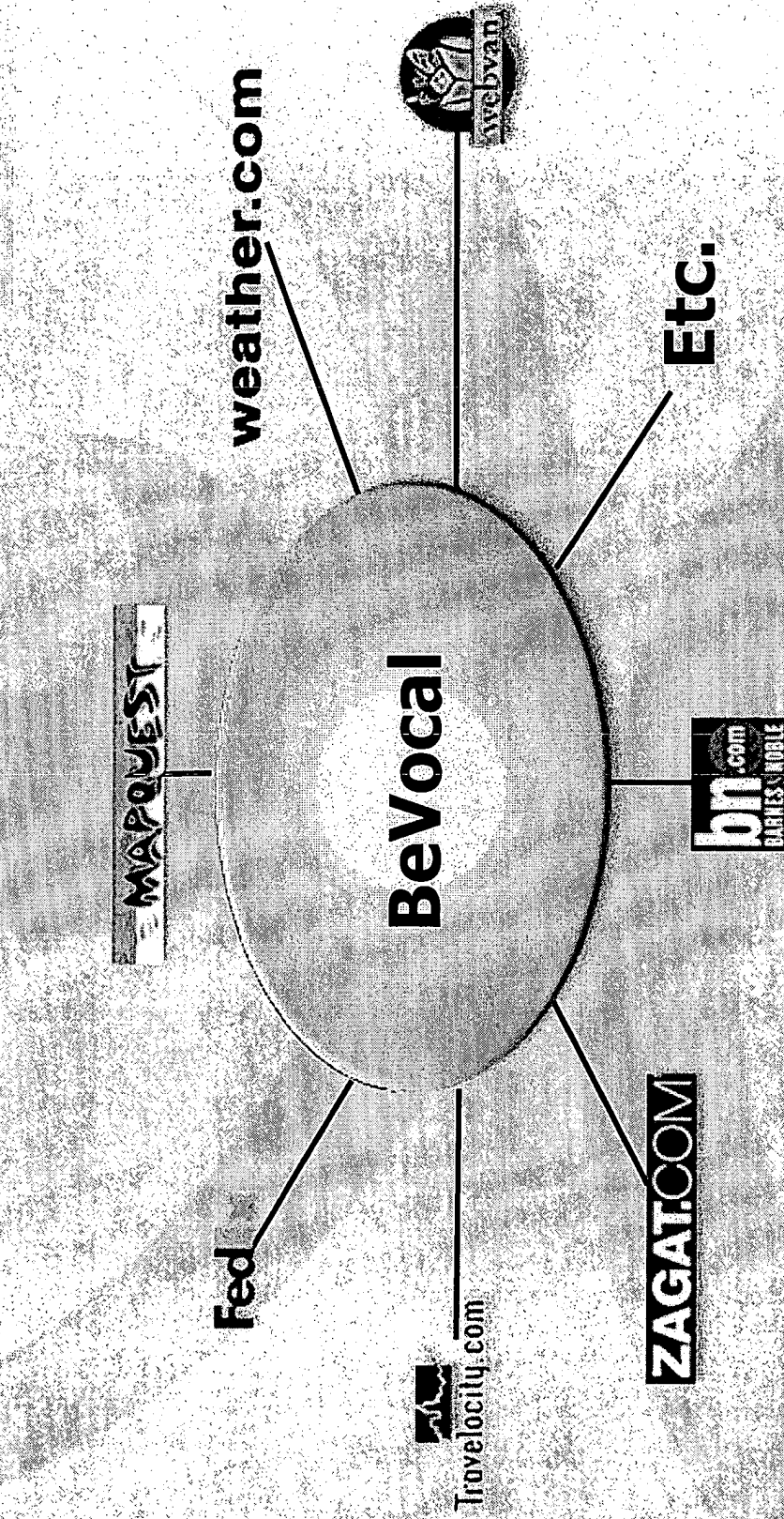


VocalBoost

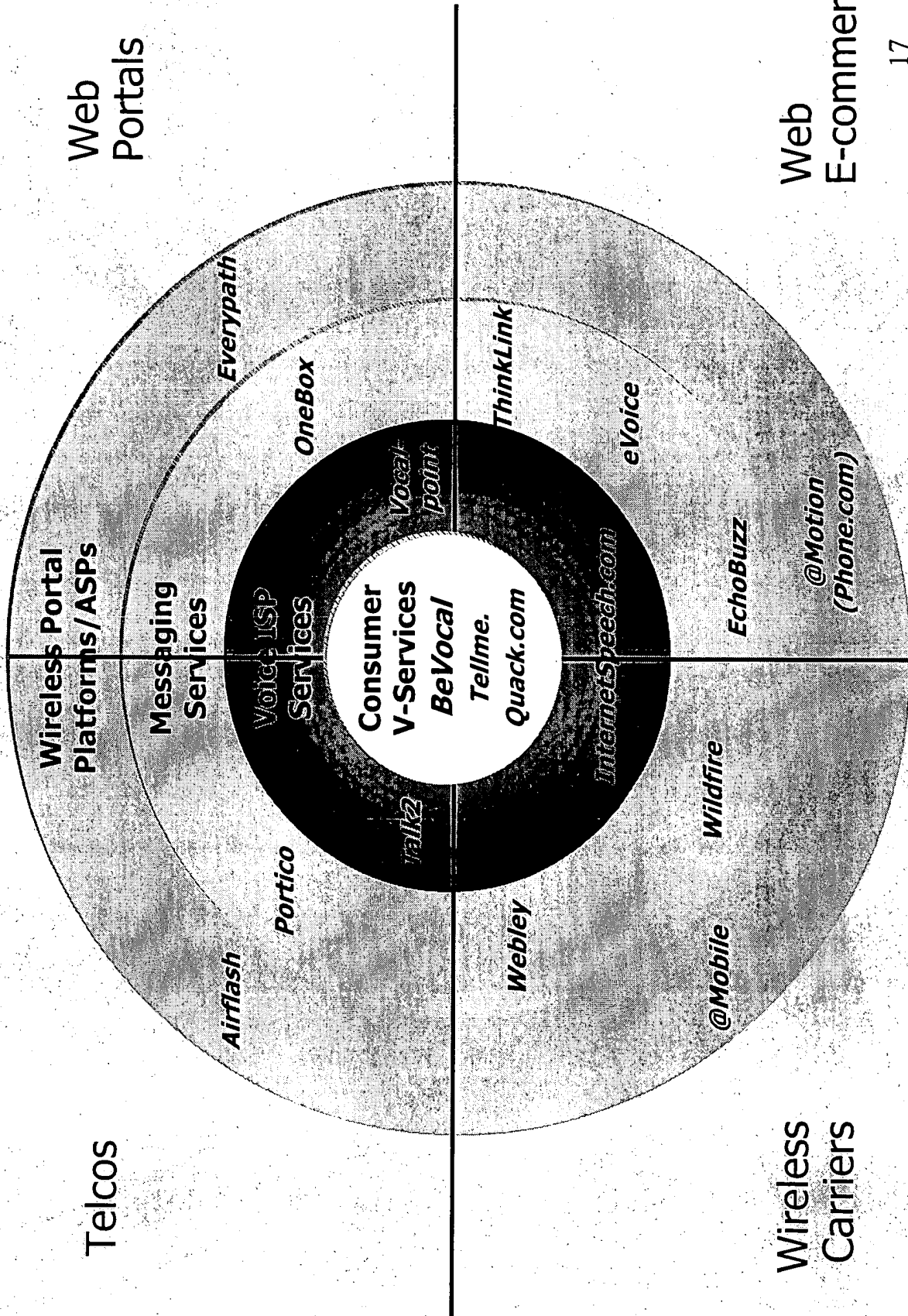
BeVocal Strategic Intent



Through building a *superior brand* and promoting an *open development platform*, BeVocal will become the *HUB* of the Consumer V-Services market



Competitive Landscape



Competitive Positioning



BEVOCAL

Tellme

Quack.com™

Consumer
Brand

yes

yes

yes

Open Development
Platform

yes

no

no

Single Access
Number

yes

yes

yes

Variety of Content
& Services

yes

yes

yes

Location-Relevant
Apps

yes

?

?

Deployed
Scaleable Telecom
Infrastructure

yes

yes

?

People

■ Team of 18 people (12 full-time, 6 contract)

■ Management Team

- Mikael Berner, Founder, CTO
 - voice communications software - ZSP Corp. (LSI Logic), Panasonic, Cardiac Telecom
 - BSEE (Honors), Univ. of Pittsburgh, MSEE (Honors) Cornell
- Amol Joshi, Founder, VP of Products
 - telecom hardware platforms - Brooktrout Technology, Netpower, Panasonic
 - BSEE (Honors), Georgia Tech; MS in Computer Eng. & MBA, Dartmouth
- Kevin Stone, Founder, VP of Operations
 - wireless communications systems - ZSP Corp. (LSI Logic), Panasonic
 - BSEE (Honors) & MSEE, UC Berkeley
- Steve Tran, Founder, CFO
 - corporate finance, M&A - Cadence, MOAI Technologies, Petrie Parkman
 - BSEE, Rice Univ.; MBA (Honors), Dartmouth
- Ricardo Alvarez, VP of Marketing
 - consumer brand management - Procter & Gamble
 - BS, Clemson Univ.; MBA (Honors), Univ. of Texas

■ Retained Lindsay Lautz of LGES to conduct CEO Search

Key Investors & Advisors

■ Key investors include

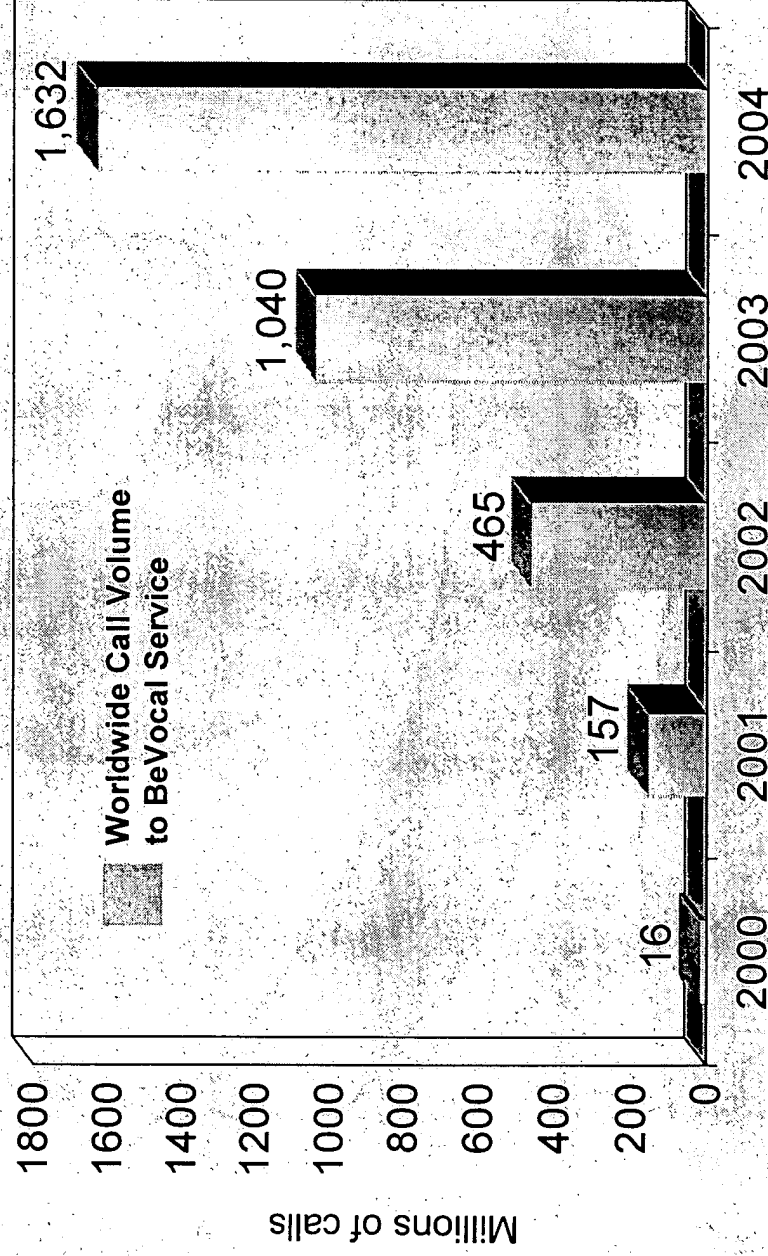
- Charles Corfield - Founder & CTO, Frame Technology; Early investor in Infoseek & iBasis
- Bob Miller - CEO, SlamDunk Networks; Chairman & CEO, MIPS
- Skip Stritter - Chairman, Clarity Wireless; Founder, MIPS Computer Systems;
- Shinichi Sugihara - President, Portal Software Japan; President, Netscape Japan
- Ian Zwicker - President, W.R. Hambrecht & Co.; Head of investment banking, DLJ
- Bob Wilson - Former CEO of Memorex; former Director, Chrysler Corporation
- Indra Mohan - CEO, Clarity Systems; founder, Tibco Software
- Gary Hughes - Former VP & GM, Adaptec; former President, Memorex Canada

■ Key advisors include

- Praveen Kopalle - Prof. of Marketing, Tuck School of Business at Dartmouth College
- Asher Waldfogel - Founder & CTO, Tollbridge Technologies; Co-Founder, Redback Networks
- Bob Brodersen - Founder, T-Span, Professor of Electrical Engineering, UC Berkeley

Projected Growth Potential

BeVocal will generate significant call volume worldwide



| | | | | | |
|------------|-------|--------|--------|--------|--------|
| Port Count | 2,225 | 10,725 | 25,500 | 47,500 | 74,500 |
|------------|-------|--------|--------|--------|--------|

Revenue Potential

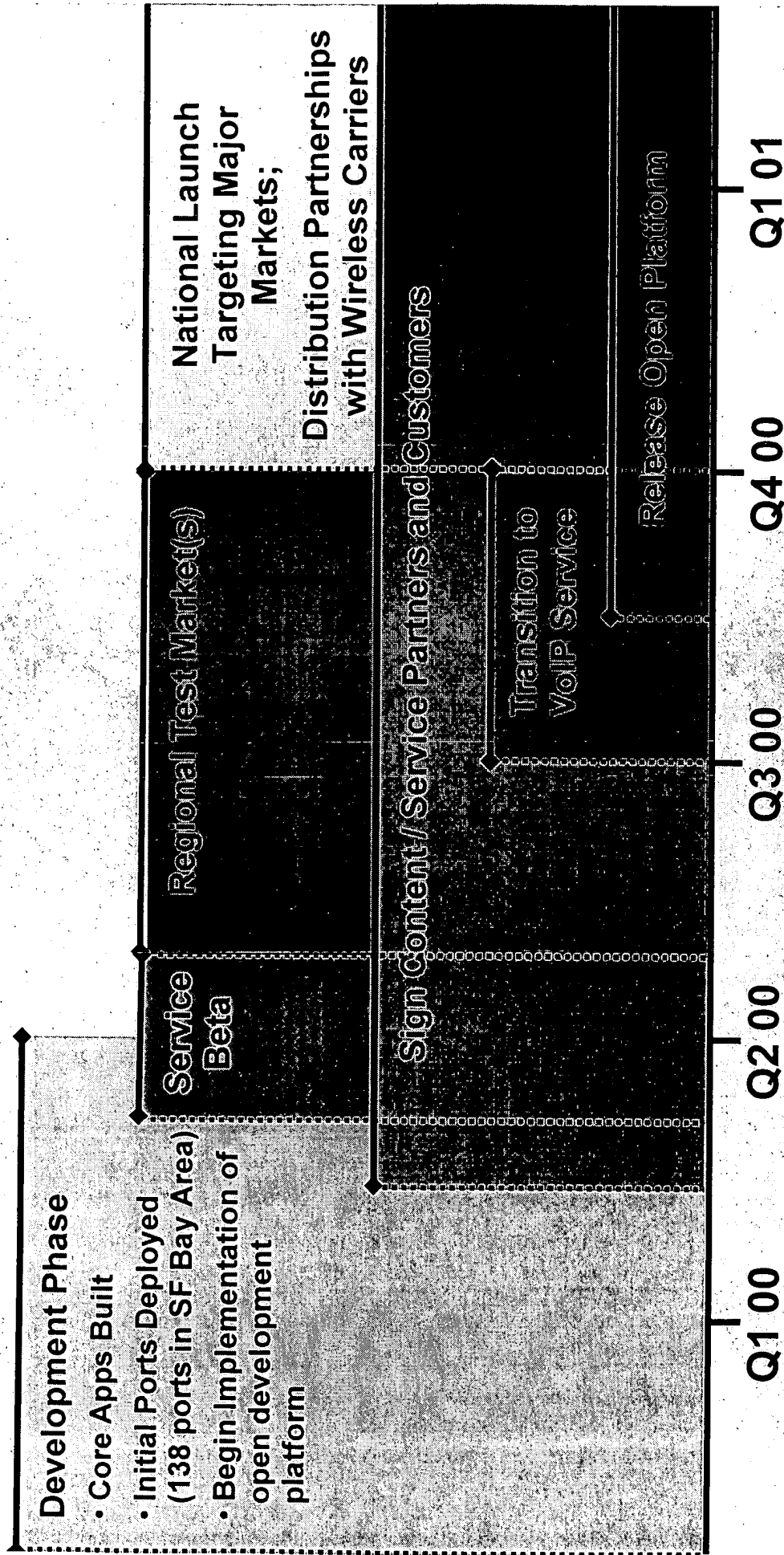
Revenue Model

- Advertising & Sponsorships (\$0.02-0.20 per call)
- Transaction Fees (\$1.00-2.00 per transaction)
- Application Hosting Fees (\$0.25-0.50 per call)

Other Value Added Opportunities

- Distribution partnerships with telco and wireless carriers
- Private-labeled V-Services to enterprise customers

Timeline



Wrap-up

- Wide-open market with huge worldwide opportunity to capture and monetize “eardrums”
- Opportunity to set the de facto standard architecture for next generation speech application development
- Strong marketing and technical team to execute on opportunity
- Focus on high fast-moving, value-added investors for 2nd round funding to help accelerate progress

ZILKA·KOTAB

PC
ZILKA, KOTAB & FEECE™

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95 South Market St., Suite 420
San Jose, CA 95113
Telephone (408) 971-2573
Facsimile (408) 971-4660

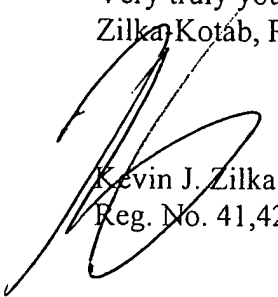
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A
DYNAMICALLY CONFIGURABLE VOICE PORTAL
Application No. 09/802,662
Issue Date: 03/09/2001
Assignee: BeVocal, Inc.
Docket No. BVOC011

Dear Sir:

Please enter the enclosed Revocation and Power of Attorney into the file of the referenced application.

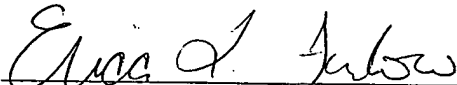
Very truly yours,
Zilka·Kotab, PC


Kevin J. Zilka
Reg. No. 41,429

Enclosure

CERTIFICATE OF MAILING

I do hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.


Erica L. Farlow

11/15/2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR DAMAGE
CONTROL DURING LARGE-SCALE ADDRESS SPEECH RECOGNITION

Application No. 10/005,597

Filing Date: 11/07/2001

Assignee: BeVocal, Inc.

Docket No.: BVOC022A

Title: ENHANCED GO-BACK FEATURE SYSTEM AND METHOD FOR USE IN A VOICE
PORTAL

Application No. 10/078,188

Issue Date: 02/15/2002

Assignee: BeVocal, Inc.

Docket No. BVOC025

Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR LOOKING UP
BUSINESS ADDRESSES AND DIRECTIONS BASED ON A VOICE DIAL-UP SESSION

Application No. 09/802,493

Filing Date: 03/09/2001

Assignee: BeVocal, Inc.

Docket No.: BVOC020

Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A DYNAMICALLY
CONFIGURABLE VOICE PORTAL

Application No. 09/802,662

Issue Date: 03/09/2001

Assignee: BeVocal, Inc.

Docket No. BVOC011

Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A TRANSCRIPTION
GRAPHICAL USER INTERFACE

Application No. 09/769,638

Issue Date: 01/24/2001

Assignee: BeVocal, Inc.

Docket No. BVOC005

REVOCATION OF PRIOR POWERS OF ATTORNEY
AND GRANT OF NEW POWER OF ATTORNEY

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Page 2 of 2

Sir:

As assignee of record of the entire interest of the above-identified patent applications(s) and/or patent(s), all powers of attorney previously given are hereby revoked and the following agents/attorneys are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith.

Kevin J. Zilka (Reg. No. 41,429);
Dominic M. Kotab (Reg. No. 42,762); and
Ronald B. Feece (Reg. No. 46,327);

Please send all correspondence for these applications(s) and/or patent(s) as follows:

Cust. ID #: *28875*
Zilka-Kotab, PC
P.O. Box 721120
San Jose, California 95172-1120

Please direct any calls to Kevin Zilka at (408) 505-5100.

Date 11/9/04

Name: Lisa M. Guerra

Title: LISA M. GUERRA

VP ENGINEERING

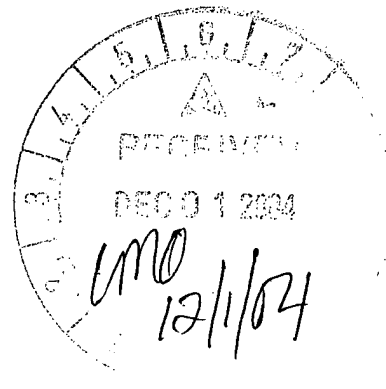
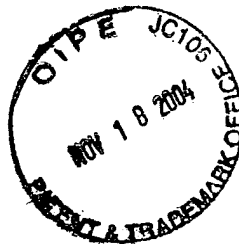
COPY

PATENT POSTCARD

| | | | | | |
|--------------|--|--------------|------------|-------------------|------------|
| Docket No. | BVOC011 | Appl. No. | Unassigned | Date | 11/15/2004 |
| By: | KJZ:Elf | Filing Date: | 03/09/2001 | Express Mail No.: | |
| Inventor(s): | Lisa M. Guerra, John E. Fitzpatrick and Mark D. Womack | | | | |
| Title: | SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A DYNAMICALLY CONFIGURABLE VOICE PORTAL | | | | |

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- X Revocation & Power of Attorney Transmittal
- X Revocation & Power of Attorney
- X Return Postcard



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